



June 27, 2022

The Honorable Michael Watson
Secretary of State
401 Mississippi Street
Jackson, Mississippi 39201

Dear Secretary Watson:

In accordance with provisions governing Section 41-41-45, Mississippi Code Annotated, I have determined that on Friday, June 24, 2022, the United States Supreme Court overruled the decision of *Roe v. Wade*, 410 U.S. 113 (1973). In its opinion in *Dobbs v. Jackson Women's Health Organization*, No. 19-1392, the Court held that "rational-basis review is the appropriate standard" for constitutional challenges to state abortion regulations. It is my determination that it is reasonably probable under rational-basis review that Section 41-41-45 would be upheld by the Court as constitutional were it challenged.

Please note that in accordance with 2007 Miss. Laws Ch. 441 (S.B. 2391), which requires this posting to the Mississippi Administrative Bulletin, oral proceedings as contemplated by SOS APA Form 001, are not appropriate.

Sincerely,

A handwritten signature in black ink, appearing to read "Lynn Fitch", with a stylized flourish at the end.

Lynn Fitch
Attorney General
State of Mississippi

Post Office Box 220 · Jackson, Mississippi 39205
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Exhibit A

SOS APA Form 001

Mississippi Secretary of State
125 S. Congress Street, Jackson, MS 39201

ADMINISTRATIVE PROCEDURES NOTICE FILING

AGENCY NAME Mississippi Attorney General's Office		CONTACT PERSON Scott G. Stewart	TELEPHONE NUMBER 601-359-3680	
ADDRESS P.O. Box 220		CITY Jackson	STATE MS	ZIP 39205
EMAIL scott.stewart@ago.ms.gov	SUBMIT DATE 6/27/2022	Name or number of rule(s): Attorney General's Determination Regarding Section 41-41-45, Mississippi Code Annotated		

Short explanation of rule/amendment/repeal and reason(s) for proposing rule/amendment/repeal: In accordance with provisions governing Section 41-41-45, Mississippi Code Annotated, I have determined that on Friday, June 24, 2022, the United States Supreme Court overruled the decision of *Roe v. Wade*, 410 U.S. 113 (1973). In its opinion in *Dobbs v. Jackson Women's Health Organization*, No. 19-1392, the Court held that "rational-basis review is the appropriate standard" for constitutional challenges to state abortion regulations. It is my determination that it is reasonably probable under rational-basis review that Section 41-41-45 would be upheld by the Court as constitutional were it challenged.

Specific legal authority authorizing the promulgation of rule: 2007 Miss. Laws Ch. 441 (S.B. 2391).

List all rules repealed, amended, or suspended by the proposed rule:

ORAL PROCEEDING:

- ☐ An oral proceeding is scheduled for this rule on Date: _____ Time: _____ Place: _____
- ☒ Presently, an oral proceeding is not scheduled on this rule.

If an oral proceeding is not scheduled, an oral proceeding must be held if a written request for an oral proceeding is submitted by a political subdivision, an agency or ten (10) or more persons. The written request should be submitted to the agency contact person at the above address within twenty (20) days after the filing of this notice of proposed rule adoption and should include the name, address, email address, and telephone number of the person(s) making the request; and, if you are an agent or attorney, the name, address, email address, and telephone number of the party or parties you represent. At any time within the twenty-five (25) day public comment period, written submissions including arguments, data, and views on the proposed rule/amendment/repeal may be submitted to the filing agency.

ECONOMIC IMPACT STATEMENT:

- ☒ Economic impact statement not required for this rule. ☐ Concise summary of economic impact statement attached.

TEMPORARY RULES	PROPOSED ACTION ON RULES	FINAL ACTION ON RULES
_____ Original filing _____ Renewal of effectiveness To be in effect in _____ days Effective date: _____ Immediately upon filing _____ Other (specify): _____	Action proposed: _____ New rule(s) _____ Amendment to existing rule(s) _____ Repeal of existing rule(s) _____ Adoption by reference Proposed final effective date: _____ 30 days after filing _____ Other (specify): _____	Date Proposed Rule Filed: _____ Action taken: _____ Adopted with no changes in text _____ Adopted with changes _____ Adopted by reference _____ Withdrawn _____ Repeal adopted as proposed Effective date: _____ 30 days after filing <input checked="" type="checkbox"/> Other (specify): <u>7/7/2022</u>

Printed name and Title of person authorized to file rules: Lynn Fitch, Attorney General

Signature of person authorized to file rules:



OFFICIAL FILING STAMP	DO NOT WRITE BELOW THIS LINE OFFICIAL FILING STAMP	OFFICIAL FILING STAMP
Accepted for filing by	Accepted for filing by	JUN 27 2022 MISSISSIPPI SECRETARY OF STATE 2:0438 PM